

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases
5:16-cv-10444/17-cv-10164

Judith E. Levy
United States District Judge

_____/

PLAINTIFFS' PROPOSED VERDICT FORM¹

VERDICT FORM RE: [MINOR PLAINTIFF NAME]

Instructions:

- Begin with Question 1 and continue in order, following the instructions listed along with each question.
- Please read all the instructions listed for each question before proceeding.
- Depending on your answers, there may be questions that you will leave blank.

¹ **PLAINTIFFS PROPOSE SEPARATE IDENTICAL VERDICT FORMS FOR EACH PLAINTIFF.**

We, the members of the jury, unanimously answer the questions submitted as follows:

I. Standard of Care

Instruction: Begin with Question 1 and continue in order, following the instructions listed along with each question.

Question 1: Did Defendant Veolia North America (VNA) breach the standard of care for a professional water engineer?

Yes _____ No _____

Instruction:

If you answered “YES” to Question 1, GO ON to Question 2.

If you answered “NO” to Question 1 inform the Court officer that you have reached a verdict in this case.

II. Injury

Question 2: Was Plaintiff [NAME] injured?

Yes _____ No _____

Instruction:

If you answered “YES” to Question 2 GO ON to Question 3.

If you answered “NO” to Question 2 inform the Court officer that you have reached a verdict as to this case.

III. Causation

Question 3: Was VNA's breach of the standard of care a proximate cause of [NAME]'s injury?

Yes _____ No _____

If you answered "YES" to Question 3 GO ON to Question 4.

If you answered "NO" to Question 3 inform the Court officer that you have reached a verdict as to this case.

IV. Damages

Question 4(a): If you find that [NAME] has sustained damages for mental anguish, denial of social pleasure and enjoyment, embarrassment or humiliation to the present date, give the total amount of damages to the present date

Answer: \$ _____

Question 4(b): If you find that [NAME] has sustained damages for disability including the loss or impairment of neurocognitive function to the present date, give the total amount of damages to the present date:

Answer: \$ _____

Question 4(c): If you find with reasonable certainty that [NAME] will sustain damages for mental anguish, denial of social pleasure and enjoyment, embarrassment or humiliation in the future, give the total amount of damages for each year in which he will sustain damages:

For the balance of 2024 \$ _____

Year	Amount	Year	Amount
2025	\$	2026	\$
2027	\$	2028	\$
2029	\$	2030	\$
2031	\$	2032	\$
2033	\$	2034	\$
2035	\$	2036	\$
2037	\$	2038	\$
2039	\$	2040	\$
2041	\$	2042	\$
2043	\$	2044	\$
2045	\$	2046	\$
2047	\$	2048	\$
2049	\$	2050	\$
2051	\$	2052	\$
2053	\$	2054	\$
2055	\$	2056	\$
2057	\$	2058	\$
2059	\$	2060	\$
2061	\$	2062	\$
2063	\$	2064	\$
2065	\$	2066	\$
2067	\$	2068	\$
2069	\$	2070	\$
2071	\$	2072	\$
2073	\$	2074	\$
2075	\$	2076	\$
2077	\$	2078	\$
2079	\$	2080	\$
2081	\$	2082	\$

Year	Amount	Year	Amount
2083	\$	2084	\$
2085	\$	2086	\$
2087	\$	2088	\$
2089	\$	2090	\$
2091	\$	2092	\$

Question 4(d): If you find with reasonable certainty that [NAME] will sustain damages in the future for disability including the loss or impairment of neurocognitive function, give the total amount of damages for each year in which he will sustain damages:

For the balance of 2024 \$ _____

Year	Amount	Year	Amount
2025	\$	2026	\$
2027	\$	2028	\$
2029	\$	2030	\$
2031	\$	2032	\$
2033	\$	2034	\$
2035	\$	2036	\$
2037	\$	2038	\$
2039	\$	2040	\$
2041	\$	2042	\$
2043	\$	2044	\$
2045	\$	2046	\$
2047	\$	2048	\$
2049	\$	2050	\$
2051	\$	2052	\$
2053	\$	2054	\$
2055	\$	2056	\$
2057	\$	2058	\$
2059	\$	2060	\$
2061	\$	2062	\$
2063	\$	2064	\$

Year	Amount	Year	Amount
2065	\$	2066	\$
2067	\$	2068	\$
2069	\$	2070	\$
2071	\$	2072	\$
2073	\$	2074	\$
2075	\$	2076	\$
2077	\$	2078	\$
2079	\$	2080	\$
2081	\$	2082	\$
2083	\$	2084	\$
2085	\$	2086	\$
2087	\$	2088	\$
2089	\$	2090	\$
2091	\$	2092	\$

Question 4(e): If you find with reasonable certainty that [NAME] will sustain damages for loss of earning capacity in the future after the plaintiff has reached the age of 18, give the total amount of damages for each year in which he will sustain damages:

For the balance of 2024 \$ _____

Year	Amount	Year	Amount
2029	\$	2030	\$
2031	\$	2032	\$
2033	\$	2034	\$
2035	\$	2036	\$
2037	\$	2038	\$
2039	\$	2040	\$
2041	\$	2042	\$
2043	\$	2044	\$
2045	\$	2046	\$
2047	\$	2048	\$
2049	\$	2050	\$

Year	Amount	Year	Amount
2051	\$	2052	\$
2053	\$	2054	\$
2055	\$	2056	\$
2057	\$	2058	\$
2059	\$	2060	\$
2061	\$	2062	\$
2063	\$	2064	\$
2065	\$	2066	\$
2067	\$	2068	\$
2069	\$	2070	\$
2071	\$	2072	\$
2073	\$	2074	\$
2075	\$	2076	\$
2077	\$	2078	\$

Instruction: GO ON to Question 5

V. Non-Parties

Question 5(a): Did Former Governor Richard Snyder breach a duty of care owed to the [NAME]?

Yes _____ No _____

Instruction:

If you answered “YES” to Question 5(a), GO ON to 5(b)

If you answered “NO,” SKIP to Question 6.

Question 5(b): Was Governor Snyder’s breach of a duty of care a proximate cause of [NAME’S] injury?

Yes _____ No _____

Instruction: GO ON to Question 6

Question 6(a): Did Emergency Manager Gerald Ambrose breach a duty of care owed to [NAME]?

Yes _____ No _____

Instruction:

If you answered “YES” to Question 6(a), GO ON to 6(b)

If you answered “NO,” SKIP to Question 7.

Question 6(b): Was Emergency Manager Gerald Ambrose breach of a duty of care a proximate cause of [NAME’S] injury?

Yes _____ No _____

Instruction: GO ON to Question 7

Question 7(a): Did Emergency Manager Ed Kurtz breach a duty of care owed to [NAME]?

Yes _____ No _____

Instruction:

If you answered “YES” to Question 7(a), GO ON to 7(b)

If you answered “NO,” SKIP to Question 8.

Question 7(b): Was Emergency Manager Ed Kurtz breach of a duty of care a proximate cause of [NAME’S] injury?²

Yes _____ No _____

² **QUESTIONS 8 AND SO FORTH WOULD REPEAT THIS SET OF NON-PARTY QUESTIONS FOR EACH APPLICABLE NON-PARTY.**

Instructions: Enter the percentage of fault attributable to each Defendant or non-party that you have found is at fault.

*If you answered “NO” to any of the above questions related to non-parties, then you have concluded that that non-party is not at fault. You must **place a zero** for the percentage of fault row in the chart below that corresponds with that non-party and that plaintiff.*

If you answered “YES” to BOTH questions (a) and (b) in section V for that non-party, then enter their percentage along with the percentage assigned to VNA.

The total must add up to 100%.

Defendant or Non-Party	Percentage of Fault [NAME]
VNA	%
Former Governor Richard Snyder	%
Emergency Manager Gerald Ambrose	%
Emergency Manager Darnell Earley	%
Emergency Manager Ed Kurtz	%
The State of Michigan (the Michigan Department of Environmental Quality (MDEQ); the Michigan Department of the Treasury; and the Michigan Department	%

of Health and Human Services (MDHHS))	
The United States Environmental Protection Agency (EPA)	%
Mayor Dayne Walling	%
The City of Flint	%
Rowe Professional Services (Rowe)	%
Total =	100%

/s/ _____
Jury Foreperson

Dated: _____, 2024

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2024 I electronically filed this document with the Clerk of the Court using the ECF System, which will send notification to the ECF counsel of record.

LEVY KONIGSBERG, LLP

/s/ Melanie Daly
MELANIE DALY